

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

LISA Y. HENDERSON, Acting Regional
Director of the Tenth Region of the
NATIONAL LABOR RELATIONS BOARD,
for and on behalf of the NATIONAL LABOR
RELATIONS BOARD,

Petitioner,

v.

Civil Action No. 1:16-CV-06305

BLUEFIELD HOSPITAL COMPANY, LLC
d/b/a BLUEFIELD REGIONAL MEDICAL
CENTER,

Respondent.

**RESPONDENT'S MOTION FOR LEAVE TO FILE A MEMORANDUM OF
POINTS AND AUTHORITIES IN OPPOSITION TO PETITION FOR
TEMPORARY INJUNCTION**

As the Respondent in the above-captioned case, Bluefield Hospital Company, LLC d/b/a Bluefield Regional Medical Center (hereafter, "Bluefield" or the "Hospital") hereby moves, by and through the Undersigned Counsel, for leave to file a Memorandum of Points and Authorities in Opposition to the Petition for Injunction Under Section 10(j) of the National Labor Relations Act, As Amended (hereafter, the "Petition") filed by the Petitioner, Ms. Lisa Henderson.

On July 13, 2016, Ms. Lisa Henderson, as the Acting Regional Director for Region 10 of the National Labor Relations Board (hereafter, the "Board"), filed the Petition, whereby she requests that the Court issue an injunction that would be in place during the period of time that will elapse while the Board rules upon allegations that Bluefield has engaged in unfair labor practices in violation of the

National Labor Relations Act, as amended. On July 26, 2016, the Petitioner filed a Memorandum of Points and Authorities in Support of the Petition (hereafter, the “Memorandum in Support”).

Insofar as Ms. Henderson has filed the Memorandum in Support, as opposed to a Motion, neither the Federal Rules of Civil Procedure nor the Local Rules of the Court address, precisely, Bluefield’s right to file a responsive document, specifically, a Memorandum of Points and Authorities in Opposition to the Petition. See Local Rule 7.1(a)(7) (“[m]emoranda and other materials in response to ***motions*** shall be filed . . .”) (emphasis added). Accordingly, Bluefield respectfully requests leave to file a Memorandum in Opposition to the Petition and respectfully requests that the deadline for the Hospital’s submission be Friday, August 26, 2016, which is thirty (30) days from the date on which the Memorandum in Support was filed with the Court. Additionally, Bluefield respectfully requests leave to file a Memorandum in Opposition that does not exceed twenty (20) pages, which is the length that the Local Rules generally contemplate for responses to motions. See Local Rule 7.1(a)(2).

WHEREFORE, Respondent, Bluefield Hospital Company, LLC, d/b/a Bluefield Regional Medical Center, respectfully requests that the Respondent’s Motion for Leave to File a Memorandum of Points and Authorities in Opposition to Petition for Temporary Injunction be granted as well as such other relief as this Court deems appropriate.

BLUEFIELD HOSPITAL COMPANY, LLC,
d/b/a BLUEFIELD REGIONAL MEDICAL
CENTER,

By Counsel.

/s/ W.E. Sam Fox, II
W.E. Sam Fox, II (WV Bar No. 5178)
W. Scott Evans (WV Bar ID # 5850)
Flaherty Sensabaugh Bonasso PLLC
P. O. Box 3843
Charleston, West Virginia 25338-3843
Phone: (304) 345-0200
sfox@flahertylegal.com
sevens@flahertylegal.com

and

Bryan T. Carmody (Bar ID No. 418428)
Carmody & Carmody, LLP
134 Evergreen Lane
Glastonbury, CT 06033-3706
bryancarmody@bellsouth.net

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

LISA Y. HENDERSON, Acting Regional
Director of the Tenth Region of the
NATIONAL LABOR RELATIONS BOARD,
for and on behalf of the NATIONAL LABOR
RELATIONS BOARD,

Petitioner,

v.

Civil Action No. 1:16-CV-06305

BLUEFIELD HOSPITAL COMPANY, LLC
d/b/a BLUEFIELD REGIONAL MEDICAL
CENTER,

Respondent.

CERTIFICATE OF SERVICE

I, W. E. Sam Fox, II, counsel for Respondent, Bluefield Hospital Company, LLC, d/b/a Bluefield Regional Medical Center, do hereby certify that on the 4th day of August, 2016, I presented the foregoing ***Respondent's Motion For Leave To File A Memorandum Of Points And Authorities In Opposition To Petition For Temporary Injunction*** to the Clerk of Courts for filing and uploading to the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

Joel Ruben White, Esq.
National Labor Relations Board
Sub-Region 11, Suite 200
4035 University Parkway
Winston-Salem, NC 27199

/s/ W.E. Sam Fox, II

W.E. Sam Fox, II (WV Bar No. 5178)
W. Scott Evans (WV Bar ID # (5850)
Flaherty Sensabaugh Bonasso PLLC
P. O. Box 3843
Charleston, West Virginia 25338-3843
Phone: (304) 345-0200
sfox@flahertylegal.com;
sevens@flahertylegal.com;
and

Bryan T. Carmody (Bar ID No. 418428)
Carmody & Carmody, LLP
134 Evergreen Lane
Glastonbury, CT 06033-3706
bryancarmody@bellsouth.net;